

ORDINANCE \_\_\_\_\_, SERIES 2009

AN ORDINANCE AMENDING CHAPTER 21 OF THE  
LOUISVILLE/JEFFERSON COUNTY METRO  
GOVERNMENT CODE OF ORDINANCES [LMCO]  
RELATING TO ETHICS.

Sponsored by: Councilwoman Marianne Butler, District 15  
Councilman Jon Ackerson, District 18

NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE  
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS  
FOLLOWS:

**Section I:** LMCO Chapter 21 is hereby amended to read as follows:

**GENERAL PROVISIONS**

**§ 21.01 DEFINITIONS.**

As used in this subchapter, the following terms shall have their given definition.

***APPOINTING AUTHORITY.*** The Metro Mayor, or any of his/her designated subordinates, who appoint the non-elected Metro Officers covered under this subchapter.

***BUSINESS ORGANIZATION.*** Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any other legal entity through which business is conducted for profit.

**METRO OFFICER.** Any person elected or appointed to the office of Louisville/Jefferson County Metro Mayor, Metro Council member, County Attorney, Sheriff, County Clerk, Coroner, Surveyor or Constable; and any person appointed as a deputy mayor, cabinet secretary, chief deputy, chief administrative officer, chief of operations, agency director or department director for the Louisville/Jefferson County Metro Government, or any such other similar managerial type position, as shall be determined by each elected or appointed Metro Officer designated hereinabove; and any person nominated or appointed by the Metro Mayor or the Metro Council to a Metro Agency which has regulatory authority or has independent authority to expend public funds.

**INTEREST.** The ownership or control of more than 5% of the profits, assets, or stock of a business, or holding a position as a principal of any nonprofit entity including, but not limited to, a labor organization.

**MEMBER OF IMMEDIATE FAMILY.** A parent, sibling, spouse, or child living in the Metro Officer's household or any person who is a member of the Metro Officer's household, or a person claimed by a Metro Officer or a Metro Officer's spouse as a dependent for tax purposes.

## **§ 21.02 STANDARDS OF CONDUCT.**

In furtherance of the public trust assumed by Metro Officers upon their election or appointment to public office or employment, the following standards of conduct shall be applicable:

(A) No Metro Officer or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in conflict with the proper discharge of such officer's duties in the public interest.

(B) No Metro Officer shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself, members of his/her immediate family or other persons.

(C) No Metro Officer shall act in his/her official capacity in any matter where such officer, a member of his/her immediate family, or a business organization in which such officer has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgement.

(D) No Metro Officer shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice such officer's independence of judgement in the exercise of his/her official duties.

(E) No Metro Officer, members of his/her immediate family, or business organization, nonprofit entity, or labor organization in which such officer has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, economic opportunity, promise of future employment, or other thing of value based upon an understanding, or under circumstances from which it could reasonably be inferred, that

the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered:

(1) For the purpose of influencing such officer, directly or indirectly, in the discharge of his/her official duties; or

(2) For the purpose of gaining access to the Metro Officer.

(3) Nothing herein shall be construed to apply to the solicitation or acceptance of contributions to the campaign of announced candidate for elective public office as governed by applicable provisions of the Kentucky Revised Statutes.

(F) No Metro Officer, however, shall be prohibited from giving or receiving:

(1) An award publicly presented in recognition of public service;

(2) Commercially reasonable loans made in the ordinary course of the lender's business; or

(3) Reasonable hosting, including entertainment, meals or refreshments furnished in connection with public events, appearances, or ceremonies.

(G) No Metro Officer authorized and qualified to solemnize a marriage shall be prohibited from accepting a gratuity for performing such ceremony.

(H) No Metro Officer shall use, or allow to be used, his/her public office, or any information, not generally available to the members of the public, which such officer receives or acquires in the course and by reason of his/her office, for the purpose of

securing financial gain for himself/herself, any member of his/her immediate family, or any business organization with which such officer is associated.

(I) No Metro Officer shall engage in inappropriate political activity as follows:

(1) Using Metro Government employees while still on duty to work at meetings where candidates for political office are permitted to advocate for a political candidacy or where endorsements for political candidates occur; or

(2) Sending e-mails using Metro Government resources which advocate the candidacy of a person for political office; or

(3) Creating or transferring a list and/or listserv using Metro Government resources and then using such listserv to advocate the candidacy of a person for political office; or

(4) Using Metro Government resources to establish a website domain name in a Metro Government officeholder's official capacity and then transferring such domain name for the officeholder to use for political purposes.

~~(I)~~ (J) No Metro Officer or business organization in which such officer has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any county agency.

~~(J)~~ (K) No Metro Officer shall be deemed in conflict with these provisions if, by reason of such officer's participation in the enactment of any ordinance, resolution or

other matter required to be voted upon, no material or monetary gain accrues to such officer as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

~~(K)~~ (L) No Metro Officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a citizen or constituent if no fee, reward or other thing of value is promised to, given to, or accepted by, the officer or a member of his/her immediate family, whether directly or indirectly, in return therefor.

~~(L)~~ (M) Nothing in these standards of conduct shall prohibit any Metro Officer, or members of his/her immediate family, from representing himself/herself, or themselves, in negotiations or proceedings concerning his/her, or their, own interests.

### **§ 21.03 FINANCIAL DISCLOSURE.**

(A) Metro Officers shall be required to file with the Louisville/Jefferson County Metro Ethics Commission [the "Commission"] a financial disclosure statement on a form provided by the Commission and signed under oath by the filer. The financial disclosure statement shall include all of the following information:

- (1) Name of filer;
- (2) Current business address, business telephone number and home address of filer;
- (3) Title of filer's public office or elected office sought;

(4) Occupations of filer and spouse;

(5) The name, address, and telephone number of each business organization doing business with the Louisville/Jefferson County Metro Government, or any Metro Agency, or any Metro Officer, in which the filer or any member of the filer's immediate family has:

(a) An interest of \$10,000 at fair market value or 5% ownership interest or more; or

(b) Received compensation in excess of \$5,000 during the preceding calendar year. If the interest is the ownership of publicly traded securities, or publicly traded securities are the source of income, the interest need not be reported unless the officer or immediate family member owns 5% or more of the total value of such publicly traded securities.

(6) The location and zoning designation of all real property within Jefferson County, other than the filer's primary residence, in which the filer or any members of the filer's immediate family had an interest of \$10,000 or more during the preceding calendar year and which is the subject of any condemnation proceeding, any regulatory or enforcement proceeding before the Metro Planning Commission, or any proceeding before any other administrative body or court of law wherein the Louisville/Jefferson County Metro Government or any Metro Agency or Metro Officer is an interested party.

(7) The name of any other Metro Officer with whom the filer has a business relationship and a statement relating the exact nature of that relationship, subject to the

confidentiality and privacy laws and regulations of the Commonwealth of Kentucky and the United States.

(B) (1) The financial disclosure statement shall be filed annually by Metro Officers no later than April 1 of each year. Newly appointed Metro Officers shall be required to file their initial statement no later than 21 days after the date of appointment. Any material change in the information required by subsections (A)(5) or (6) such as to cause previously submitted information to no longer be accurate or complete, shall be reported in writing to the Ethics Commission within ten business days after the affected Metro Officer knows, or reasonably should know of that circumstance.

(2) The term “material change” under subsection (B)(1), shall include any gift, loan, gratuity, discount, favor, service or economic opportunity of significant value or having an aggregate value of \$25 or more which the Metro Officer believes in good faith to be exempt from the application of § 21.02.

(3) A Metro Officer who is in office as of the effective date of this subchapter, and who has filed a financial disclosure form with an ethics board, agency, or office under the jurisdiction of Jefferson County or the former City of Louisville within the 12-month period preceding the effective date of this subchapter, shall not be required to make a filing under this section until April 1, 2003, or within 21 days after the effective date of this subchapter, whichever date is later.

(4) A Metro Officer who is in office as of the effective date of this subchapter, and who has not filed a financial disclosure form with an Ethics Board, agency, or office



under the jurisdiction of Jefferson County or the former City of Louisville within the 12-month period preceding the effective date of this subchapter, shall be required to make a filing under this section by April 1, 2003, or within 21 days after the effective date of this subchapter, whichever date is earlier.

(C) When any Metro Officer, or any member of his/her immediate family, shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within his/her office, or any Metro Agency, the Metro Officer shall disclose such private interest to the Commission, the governing body of the affected Metro Agency and, if the contract or matter requires formal action by the Metro Council, to the Metro Council.

(D) Any member of the Metro Council, or the County Attorney, as well as any Metro Officer who derives his/her authority from the Metro Council or from the County Attorney, or a member of any such person's immediate family, who has a private interest in any matter pending before the Metro Council shall disclose such private interest on the records of the Metro Council and shall disqualify himself/herself from participating in any debate, vote, or proceeding whatsoever relating thereto. Any matter pertaining to a Metro Officer's budget or the operation of such officer's office, agency or department, including a Metro Officer's salary, shall not be construed as a "private interest".

#### **§ 21.04 NEPOTISM.**

(A) A member of the immediate family of a Metro Officer shall not be given preference for employment or appointment to a position in a Metro Agency if a more qualified person has made application for the same position.

(B) No Metro Officer shall act in his/her official capacity to hire, or caused to be hired any member of his/her immediate family at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities and qualification requirements.

(C) No Metro Officer shall exercise direct management or supervisory authority over any member of his/her immediate family; nor shall any Metro Officer exercise contract management authority where any member of his/her immediate family is employed by or is under contract to any vendor who is subject to such officer's direct authority or management.

(D) After the effective date of this subchapter, a member of the immediate family of the Mayor, a member of the Metro Council, County Attorney, Sheriff, County Clerk, Coroner, Surveyor and Constable shall not be employed by or appointed to a position with such elected official's office. Any members of the immediate family of the Metro Officers named in this section employed or serving in a position within the office of such Metro Officer on the effective date of this subchapter shall be excluded from the prohibition contained in this section.

## **§ 21.05 LOUISVILLE/ JEFFERSON COUNTY ETHICS COMMISSION.**

(A) (1) A Louisville/Jefferson County Metro Government Ethics Commission (hereafter, the “Ethics Commission”) is hereby created which shall be responsible for the enforcement and administration of the Code of Ethics adopted in this subchapter in the manner set forth in this subchapter. When requested by a Metro Officer, the Ethics Commission shall issue an advisory opinion concerning acts or activities covered by this subchapter. Such opinions shall be public and shall not disclose the identity of persons associated with the opinion. Confidential opinions may be issued, if requested by the Metro Officer or Metro Agency submitting the question only if the subject is exempt from disclosure pursuant to KRS 61.878.

(B) (1) The investigation and determination of whether a Metro Officer has committed any violation of this subchapter shall be the responsibility of the Ethics Commission.

(2) When requested by an appointing authority, the Ethics Commission shall have authority to issue an opinion concerning whether or not an act or activities undertaken by a Metro Officer constitute a violation of this subchapter. The Ethics Commission shall have authority to adjudicate factual issues, and to determine whether the alleged act or activity constitutes a violation of this subchapter.

(C) The Ethics Commission shall consist of seven members appointed by the Metro Mayor and approved by the Metro Council. However, for the first year of the Ethics Commission only, two additional members from the former Jefferson County

Ethics Commission shall serve as advisory and non-voting members for a one-year term commencing on the date of their appointment to the Ethics Commission. One of these members shall be a registered Democrat selected by the Majority Caucus of the Metro Council, and the other member shall be a registered Republican selected by the Minority Caucus of the Metro Council. The entire Metro Council must approve these two advisory, non-voting members. Ethics Commission members shall not be persons who are Metro Officers or employees of the Metro Government, and they shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No two Ethics Commission members shall reside in the same Metro Council district. For the initial appointments of the voting members to the Ethics Commission, two members shall serve one-year terms; three members shall serve two-year terms; and two members shall serve three-year terms. Thereafter, such a member of the Ethics Commission shall serve for a term of three years or until his/her successor is appointed. In addition, such Ethics Commission members may be reappointed for one consecutive term and shall not be eligible for reappointment until one year after the expiration of his/her last term. An Ethics Commission member may be removed for reasons of malfeasance or neglect of duty by the Metro Council. Vacancies, whether by death, resignation, or removal, shall be filled in the same manner as original appointments. Ethics Commission members shall serve without compensation. No more than three of the members of the Ethics Commission shall be of the same political party, and at least one member shall be a registered Independent. Members of the Ethics Commission shall not be an immediate family member of a Metro Officer.

(D) Within 60 days of the effective date of this subchapter, the Ethics Commission shall draft and submit to the Metro Council its rules and regulations for the administration of this subchapter and the conduct of its meetings, including, but not limited, to maintenance of financial disclosure statements, issuance of opinions and imposition of penalties for violations of this Code. If the Metro Council does not disapprove of the Ethics Commission's rules and regulations within 45 days after submission to the Council, such rules and regulations shall go into effect on the 46th day after submission.

(E) There is hereby created the position of Legal Counsel to the Ethics Commission. The Ethics Commission may employ the Legal Counsel on contract or may designate the Jefferson County Attorney, or a member of his/her staff as Legal Counsel; provided that if Legal Counsel is employed under contract, neither employed counsel nor any attorney with whom employed counsel has any affiliation or association shall be employed or under contract in any capacity with Metro Government.

(F) The Metro Human Resources Department shall provide reasonable and necessary staff support for the operation of the Ethics Commission.

(G) The Ethics Commission shall be the official custodian of financial disclosure statements to be filed under this subchapter.

(H) (1) The Ethics Commission shall conduct at least one annual training and review session open and available to all Metro Officers, and such other training and

review activities as shall from time to time be requested by the Metro Mayor or the Metro Council.

(2) All Metro Officers in office on the effective date of this subchapter shall be required to attend one training session conducted by the Ethics Commission within 12 months of the effective date of this subchapter and at least once every 24 months thereafter. All Metro Officers elected or appointed after the effective date of this subchapter shall be required to attend one training session conducted by the Ethics Commission within 12 months of his/her election or appointment, and at least once every 24 months thereafter.

#### **§ 21.06 COMPLAINTS.**

(A) Complaints against Metro Officers which allege violations of this subchapter may be filed by any person with the Ethics Commission, and shall be filed within six (6) months of the occurrence which is the subject of the complaint.

(B) A complaint filed against a Metro Officer shall be given a hearing as provided by this subchapter within 60 days of the complaint being filed, or the complaint shall be dismissed with prejudice and not be considered by any hearing authority.

(C) The Commission shall render its final decision not later than ten (10) days after the conclusion of a hearing on any complaint.

~~(C)~~ (D) Any complaint against a Metro Officer pending for 60 days or longer as of the date of the passage and approval of the ordinance amending this section shall be

given a hearing as provided by this section within 30 days of the passage and approval of the said ordinance, or the complaint shall be dismissed with prejudice at the termination of that period and shall not be considered by any hearing authority. Subsection (B) to this section shall apply to all complaints pending for less than 60 days prior to the passage and approval of the said ordinance.

(E) The Commission may not base a complaint on unsworn verbal or written reports made to it concerning a Metro Officer. The Commission may amend a complaint that has been filed with it by deleting allegations that would not constitute a violation of this Ethics Code, or by deleting allegations against persons or entities not covered by this Ethics Code.

(F) Any Metro Officer who is the subject of a complaint filed with the Ethics Commission shall be afforded due process by the Commission including, but not limited to, all of the following rights:

(1) Any complaint filed against a Metro Officer shall be sworn. The complaint shall be filed on a form which shall be provided by the commission and will contain the following information:

(a). The complaint shall state the individual's name and address and contact information including telephone number, as well as fax number and e-mail address, if the complaining party has same; and

(b) The complaining party shall state in detail what facts and circumstances he/she has to support the violation, including all acts or omissions committed by the Metro Officer; and

(c). The complaining party shall file with the complaint all documents, recordings, pictures and other information which support the basis for the ethical violation by the officer; and

(d) The complaining party shall provide the names and addresses of all individuals which the complaining party believes have information to support the violation along with a summary of what information the complaining party believes each in the individuals has to support the alleged violation.

(G) A certified copy of the complaint or any amendment thereto shall be personally served only on the Metro Officer named in the complaint by the Commission within ten [10] days of its filing with the Commission; and

(H) The Metro Officer shall be given no less than twenty [20] days to respond to a complaint or any amendment thereto.

(I) When a Metro Officer has been charged with a violation of this Chapter, no public statements shall be made concerning the alleged violation by the Commission or any of its members or staff, or by any person affiliated with Metro Government, or with any Metro Agency over which the Commission has jurisdiction nor shall the Complaint, Response, Motions, and all other documents associated with the pending alleged ethics violation be publically disclosed until final disposition of the charges.



(1) Confidentially requirement may be waived by the respondent if written notice of waiver is sent to the Ethics Commission within five business days of receipt of complaint.

(J) No person shall be compelled to answer questions, to speak or to testify in connection with any complaint against a Metro Officer or any proceeding before the Commission involving an Officer, as a condition of continued employment.

(K) A Metro Officer who is the subject of any proceedings before the Commission shall be given not less than ten (10) days notice of the date, time, and place of each proceeding, the notice to include a description of the matters to be heard at such proceedings together with copies of any motions or other documents to be considered in connection with the noticed proceedings whether in written or electronic form.

(L) Only the party filing the complaint and those individuals listed in the complaint as witness, or in a supplemental list of names provided by the complaining party in accordance with section (F) above and provided not less than 10 days prior to the proceedings, shall be permitted to testify in any proceeding before the Commission involving a complaint against a Metro Officer.

(M) Only documents filed with the commission at the time of the institution of the complaint, or supplemented not less than 10 days prior to any proceeding before the Commission, shall be considered by the commission. The names and information as to all individuals and documents provided by the complaining party shall be immediately

forwarded to the Officer when received by the Commission. Failure of the complaining party to comply with this section shall be grounds for dismissal of the complaint with prejudice.

(N) Any information whether in documentary or electronic format which is not furnished to the Commission or to the Metro Officer in compliance with subsection (F) above, shall not be used for any purpose in any proceeding before the Commission.

(O) If any hearing before the Commission is based upon a complaint of an individual, not less than ten [10] days before the date of the hearing, the individual shall be notified to appear at the time and place of the hearing by certified mail, with delivery confirmation either by return receipt or electronic confirmation. If the individual does not appear, except where due to circumstances beyond his/her control, any complaint made by that individual shall not be considered by the hearing authority and shall be dismissed with prejudice

(P) A Metro Officer shall have the right to outside obtain counsel, at their sole expense, in connection with any proceeding before the Commission, or may elect to be represented by the county Attorney at no expense, which Counsel shall be accorded the right to appear and defend a Metro Officer in any proceeding, in any matter pending before the Commission.

(Q) A Metro Officer shall be permitted to present to the Commission, at any proceeding before the Commission involving the Officer, or otherwise, any witnesses or any electronic or documentary evidence the Officer wishes, subject only to reasonable

standards of relevance and materiality, and may examine or cross-examine all witnesses called to testify at such a proceeding.

(R) Any evidence shall be presented against an Officer at any proceeding before the Commission involving an Officer, including witnesses and electronic or documentary evidence, shall be subject to reasonable standards of relevance and materiality.

(S) No person shall offer evidence at any proceeding before the Commission involving an Officer unless the person is first placed under oath in accordance with law. No person other than counsel for the Commission, or the Officer involved in a proceeding before the Commission, or the Officer's counsel, who refuses to be placed under oath may speak at any such proceeding.

(T) No person shall file a complaint against an Officer with the Commission which complaint is false, or made in bad faith, or with actual malice, or without probable cause. In the event that such a complaint is filed with the Commission, it shall be subject to the penalties provided under § 21.99(A)(1)(e) and, in addition, the Commission shall forward to the Commonwealth's Attorney, all electronic and documentary materials related to the complaint, for action as that official may deem appropriate

## **§ 21.07 PROTECTION AGAINST REPRISAL.**

(A) No Metro Officer or any other employee of the Metro Government shall subject to reprisal, or directly or indirectly use, or threaten to use, an official authority or

influence, in any manner whatsoever, which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any officer or employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Ethics Commission, any appointing authority, any law enforcement agency or its employees, or any other appropriate body or authority, any facts or information relative to an actual or suspected violation of this subchapter or any law, statute, executive order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, or the Louisville/Jefferson County Metro Government, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety. No Metro Officer or Metro Government employee shall be required to give notice of any kind prior to making such a report, disclosure, or divulgence.

(B) No Metro Officer or any other employee of the Metro Government shall subject to reprisal or discriminate against, or use any official authority or influence to cause reprisal or discrimination by others against, any person who supports, aids, or substantiates any officer or employee who makes public any wrongdoing set forth in subsection (A).

## **§ 21.08 APPEALS.**

~~A final opinion, order, finding, or adjudication issued by the Ethics Commission under § 21.05(B)(2), or otherwise, that a Metro Officer has violated any of the provisions~~

~~of this subchapter may be appealed to the Jefferson District Court or the Jefferson Circuit Court by the Metro Officer affected by the opinion, order, finding, or adjudication.~~

Any Metro Officer found by the Ethics Commission to have violated this legislation shall have a right to appeal the decision to the Jefferson Circuit Court. ~~Said appeal shall be a de novo review.~~ in accordance with applicable law.

## **§ 21.09 RECORDS.**

All files, records, and documents maintained by, or in the possession of any ethics board, agency, or office under the jurisdiction of Jefferson County or the former City of Louisville shall be delivered to the Ethics Commission and thereafter maintained by the Ethics Commission.

## **PUBLIC HOUSING AUTHORITIES**

### **§ 21.30 DEFINITIONS.**

***HOUSING AUTHORITY.*** The Housing Authority of Louisville, the Jefferson County Housing Authority, and any other public housing authority created or existing under the Louisville/Jefferson County Metro Government.

***HOUSING AUTHORITY EMPLOYEE.*** Any person employed by a housing authority whether full time or part-time, seasonal or temporary and members of the Board of a housing authority.

***HOUSING AUTHORITY OFFICER.*** The Executive Director of a housing authority, and its Deputy Executive Directors.

***INTEREST.*** The ownership or control of any profits, assets or stock of a business. For purposes of the financial disclosure statement, housing authority officers shall list the names and addresses of all businesses in which the housing authority officer or any member of the housing authority officer's immediate family, at any time during the preceding calendar year, had an interest, including the ownership of publicly traded securities.

#### **§ 21.31 STANDARDS OF CONDUCT.**

It shall be a condition of employment of all housing authority officers and housing authority employees that they comply with the following standards of conduct for employment at all times while employed as a housing authority officer or housing authority employee:

(A) No housing authority officer or housing authority employee, or any family member, shall be employed by any business or have an interest in any business or engage in any transaction or activity which is in substantial conflict with the proper discharge of the housing authority officer's or housing authority employee's official duties or which might reasonably be expected to impair his objectivity or independence of judgment.

(B) No housing authority officer or housing authority employee shall solicit or intentionally use his/her position for the purpose of securing privileges or advantages for himself/herself or other persons which are not generally available to private citizens.

(C) No housing authority officer or housing authority employee shall accept compensation for the performance of the housing authority officer's or housing authority employee's official duties other than the salary and wages payable to him/her by reason of his/her position.

(D) No housing authority officer or housing authority employee, in the performance of his/her official duties, shall take, or fail to take, any action in order to obtain an economic opportunity for himself/herself, a member of his/her family, a business which the officer's or employee's family has an interest or any person with whom he/she maintains a close economic or personal association.

(E) No housing authority officer or housing authority employee shall represent, negotiate, or execute documents on behalf of a public housing authority in any transaction between a public housing authority and the officer or employee, or a member of the officer or employee's family, or a business in which the officer or employee or a member of the officer or employee's family has an interest, or a business with which the officer or employee is negotiating for or seeking a position of employment.

(F) No housing authority officer or housing authority employee shall directly or indirectly solicit or accept any gift under circumstances in which it could reasonably be

inferred that the gift was intended to influence, or could reasonably be expected to influence, the housing authority officer or housing authority employee in the performance of his/her official duties. There shall be a presumption that the receipt by a housing authority officer or housing authority employee of any of the following is not in violation of this subsection:

(1) Political contributions, including the purchase of tickets to, or advertisements in journals for political or testimonial dinners, if such contribution is actually received and used for political or public purposes;

(2) A usual and customary commercial loan made in the ordinary course of business;

(3) An occasional non-pecuniary award publicly presented by a nonprofit organization in recognition of the performance of a public service; or

(4) Reasonable hosting, limited to meals or refreshments furnished in connection with public events, appearances, ceremonies, or charitable events.

(G) No housing authority officer or housing authority employee shall intentionally use or disclose information obtained in the course of his/her official duties, and not otherwise generally available, for the purpose of obtaining an economic opportunity for himself/herself or for any other person.

(H) No housing authority officer or housing authority employee, a member of his/her family or a business in which the housing authority officer or housing authority



employee owns or controls an interest shall undertake, execute, hold or enjoy any contract for the purchase or sale of goods, services, or real or personal property made, entered into, awarded or granted by housing authority. This prohibition shall extend to the period of one year next subsequent to the termination of office or employment.

(I) No housing authority officer or housing authority employee shall participate as a bidder or purchaser in any auctions conducted by a public housing authority.

(J) No family member of a housing authority officer or housing authority employee shall be hired by the department in which the housing authority officer or housing authority employee serves, if the housing authority officer or housing authority employee has any management authority over the position. This provision shall not apply to any person employed prior to the effective date of this subchapter, nor to any contract entered into prior to said date.

(K) No housing authority officer or housing authority employee shall be prohibited from making an inquiry for information on behalf of another person, if no fee, reward or other thing of value is promised to, given to or accepted by the covered individual or family member, whether directly or indirectly, in return therefor.

(L) Nothing herein shall prohibit any housing authority officer or housing authority employee, or family member, from representing himself/herself, or themselves, in negotiations or proceedings concerning his, or their, employment with any public housing authority.

(M) No housing authority officer or housing authority employee shall solicit, accept or agree to accept any economic opportunity upon an agreement or understanding that his/her vote, opinion, judgment, exercise of discretion or other action as a housing authority officer or housing authority employee will thereby be influenced.

(N) No housing authority officer or housing authority employee shall engage in conduct that constitutes a violation of the standards of conduct established by this section. It shall be the housing authority officer's or housing authority employee's duty to determine if a potential violation could occur, to avoid violating these standards of conduct, if possible, or where applicable, to disclose a violation or potential violation as follows:

(1) A housing authority officer or housing authority employee may seek an advisory opinion from the Louisville/Jefferson County Metro Ethics Commission to determine whether a violation occurred or could occur.

(2) If the housing authority officer or housing authority employee determines that a violation or potential violation of these standards of conduct exists, that individual shall, if possible, be screened from participating in the matter and the matter shall be assigned to another individual whose action in the matter would not constitute a violation of these standards of conduct.

(O) A housing authority officer or housing authority employee, other than in performing duties in making payments to other housing authority officers or housing authority employees as provided by law, shall not pay or offer to pay any housing

authority officer or housing authority employee any compensation for the performance of official duties.

### **§ 21.32 FINANCIAL DISCLOSURE.**

(A) Housing authority officers shall be required to file financial disclosure forms in a form and at such times as shall be determined by the Louisville/Jefferson County Metro Ethics Commission [the “Ethics Commission”]; provided that the filing requirements for such officers and employees shall be no less than the requirements applicable to other officers of the Metro Government.

(B) The Ethics Commission shall be the custodian of financial disclosure forms filed by housing authority officers.

### **§ 21.33 COMPLAINTS.**

Complaints against housing authority officers or housing authority employees which allege violations of this subchapter may be filed by any person either with the public housing authority which employs the officer or employee involved; or complaints may be filed with the Ethics Commission. A complaint received by a public housing authority shall be promptly forwarded to the Ethics Commission.

### **§ 21.99 ENFORCEMENT; PENALTY.**

(A) (1) Upon a determination by the Ethics Commission of a violation of any of the provisions of §§ 21.01 through 21.09 by a Metro Officer, the Ethics Commission may impose the following penalties:

(a) For any unintentional violation which has been voluntarily corrected by the officer prior to any action by the Ethics Commission, a notice of mootness shall be issued by the Ethics Commission;

(b) For any violation which is determined by the Ethics Commission to have been unintentional or the result of a good faith misinterpretation of the requirements of §§ 21.01 through 21.09, a letter of technical violation or a letter of reprimand shall be issued by the Ethics Commission as the Ethics Commission deems appropriate;

(c) For any intentional violation which is acknowledged and rectified by the officer prior to any action by the Ethics Commission, a letter of public reprimand may be issued by the Ethics Commission;

(d) For any intentional violation a letter of formal censure may be issued by the Ethics Commission;

(e) (e) In the case of a violation of § 21.06(T), a civil penalty up to \$1000 together with the costs which the Commission has incurred to investigate the complaint, which penalty shall be appealable to the Metro Code Enforcement Board pursuant to LMCO § 32.281, and heard pursuant to LMCO § 32.283.

(2) In addition to any of the penalties set forth under § 21.99(A)(1), an intentional violation of §§ 21.01 through 21.09 shall be ~~a misdemeanor for which a Metro Officer may be fined by the Ethics Commission a sum not less than \$25 nor more than \$500.~~ Subject to a civil penalty up to \$500 which penalty shall appealable to the

Metro Code Enforcement Board—pursuant to LMCO § 32.281, and heard pursuant to LMCO § 32.283.

(3) In addition to any of the penalties set forth under § 21.99(A)(1) and (2), an intentional violation of §§ 21.01 through 21.09 may:

(a) In the case of a non-elected Metro Officer, be grounds for other sanctions or actions by his/her appointing authority; or

(b) In the case of an elected Metro Officer, be grounds for removal under KRS 67C.143; or

(c) In the case of a Metro Council member, be grounds for other sanctions or actions by the Metro Council under its rules, or otherwise.

(B) (1) Any housing authority officer or employee who violates any provision of §§ 21.30 through 21.33 shall be subject to disciplinary action in accordance with procedures established by the Ethics Commission. Any such disciplinary action by the Ethics Commission shall not foreclose any action that the public housing authority may take with respect to the officer or employee's employment status.

(2) After written notice of a failure to timely file a statement of financial disclosure, any housing authority officer who fails to file within ten business days of such notice may be fined by the Ethics Commission a sum not less than \$25 nor more than \$500.

**SECTION II: Effective Date.** This ordinance shall take effect upon its passage and approval.

\_\_\_\_\_  
**Kathleen J. Herron**  
**Metro Council Clerk**

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**David W. Tandy**  
**President of the Council**

\_\_\_\_\_  
**Jerry E. Abramson**  
**Mayor**

**Approved:** \_\_\_\_\_  
**Date**

**APPROVED AS TO FORM AND LEGALITY:**

**Michael J. O'Connell**  
**Jefferson County Attorney**

**BY:** \_\_\_\_\_

Ethics Ordinance - Amendment – MAB\_JA – Refiling 4 Sept 2009 - roc/bob/wtw/ml